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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

FAO-3000-2011 (O&M)
Date of Decision : 03.02.2026

Premwati & Ors ... Appellant(s)

Versus

Dev Raj & Ors ... Respondent(s)

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Ms. Anamika Sheoran, Advocate (*Amicus Curiae*) and
Mr. Sanjiv Kadian, Advocate for the appellants.

Mr. Rohit Kataria, Advocate for
Ms. Anamika Mehra, Advocate for respondent No.3.

<u>ALKA SARIN, J.</u> (Oral)

<u>CM-9885-CII-2011</u>

1. For the reasons mentioned therein, the application seeking condonation of delay of 32 days in filing the appeal is allowed and the delay of 32 days in filing the appeal is condoned.

<u>FAO-3000-2011</u>

2. The present appeal has been preferred by the claimant-appellants aggrieved by the quantum of compensation awarded by the Motor Accident Claims Tribunal, Ambala (hereinafter referred to as 'Tribunal') vide the impugned award dated 31.07.2010 in a motor vehicle accident which occurred on 21.07.2008 (wrongly written as 21.08.2009 in the impugned award).

3. Since the factum of the accident is not in dispute, the facts are not being adverted to for the sake of brevity.

4. The Tribunal in the present case had awarded the following

compensation :

Sr. No.	Heads	Compensation Awarded	
1	Monthly Income	₹2,400/-	
2	Deduction - 1/3rd	₹1,600/-	[₹2,400 - ₹800]
3	Annual Income	₹19,200/-	[₹1,600 x 12]
4	Multiplier - 10	₹1,92,000/-	[₹19,200 x 10]
5	Funeral expenses	₹5,000/-	
	Total Compensation	**₹1,97,000/-**	
	Interest	**9%**	

5. Learned counsel and the amicus for the claimant-appellants would contend that they do not challenge the deduction as applied by the Tribunal. They, however, state that the income of the deceased has wrongly been assessed as ₹2,400/- per month inasmuch as the minimum wage applicable for an unskilled worker prevailing at the time of the accident was ₹3,664/- per month. It is further the contention of the learned counsel that the Tribunal has not made any addition towards future prospects and has also applied a wrong multiplier of 10 inasmuch as the deceased was 22 years of age at the time of the accident. Learned counsel would contend that in the present case a multiplier of 18 ought to have been applied and addition of 40% towards future prospects ought to have been made. It is further the contention of the learned counsel that no compensation has been awarded under the head 'loss of consortium' and the compensation awarded under the conventional heads is also not in accordance with the law laid down by the Hon'ble Supreme Court. In support of the contentions, reliance has been placed upon the judgments of the Hon'ble Supreme Court in the cases of **Sarla Verma & Ors. vs. Delhi Transport Corporation & Anr. [(2009) 6 SCC 121], National Insurance Company Ltd. vs. Pranay Sethi & Ors. [(2017) 16**

SCC 680], **Magma General Insurance Company Limited vs. Nanu Ram alias Chuhru Ram & Ors. [(2018) 18 SCC 130]** and **N. Jayasree & Ors. vs. Cholamandalam M.S General Insurance Company Ltd. [2021(4) RCR (Civil) 642]**.

6. *Per contra*, the learned counsel for respondent No.3-Insurance Company has vehemently argued that sufficient amount has already been awarded as compensation in the present case and that there is no scope of any enhancement.

7. I have heard the learned counsel for the parties.

8. Admittedly, no appeal has been preferred by the Insurance Company. In the present case, since no challenge has been laid by the learned counsel for the claimant-appellants to the deduction as applied by the Tribunal, the same is maintained accordingly. The Tribunal has assessed the income of the deceased as ₹2,400/- per month which in the opinion of this Court is on the lower side inasmuch as the minimum wage applicable for an unskilled worker at the time of the accident was ₹3,664- per month. Hence, the income of the deceased is assessed as ₹3,664/- per month. The Tribunal has not made any addition towards future prospects, as per the law laid down by the Hon'ble Supreme Court in the case of **Pranay Sethi** (supra), 40% addition is made towards future prospects. The Tribunal has erroneously applied a wrong multiplier of 10 inasmuch as the deceased was admittedly 22 years of age at the time of the accident and as per the law laid down by the Hon'ble Supreme Court in the case of **Sarla Verma** (supra), multiplier '18' would be applicable. Further, no compensation has been awarded under the head 'loss of consortium' and the compensation awarded under the conventional heads is also not as per the law laid down by the Hon'ble

Supreme Court in the cases of **Pranay Sethi** (supra), **Magma General Insurance Company Limited** (supra) and **N. Jayasree** (supra), hence, the claimants would be entitled to ₹18,000/- (₹15,000+20% increase) towards loss of estate and ₹18,000/- (₹15,000+20% increase) towards funeral expenses and the claimants (parents, brother and sister of the deceased) would also be entitled to ₹48,000/- each (₹40,000+20% increase) towards loss of consortium. Accordingly, the reworked compensation is as under :

Sr. No.	Heads	Compensation Awarded
1	Monthly Income	₹3,664/-
2	Annual Income	₹43,968/- [₹3,664 x 12]
3	Deduction - 1/3rd	₹29,312/- [₹43,968 - ₹14,656]
4	Future Prospects - 40%	₹41,037/- [₹29,312 + ₹11,725]
5	Multiplier - 18	₹7,38,666/- [₹41,037 x 18]
6	Loss of estate	₹18,000/-
7	Funeral expenses	₹18,000/-
8	Loss of consortium (i) Filial [₹48,000/- x 4]	₹1,92,000/-
	Total Compensation	**₹9,66,666/-**

9. The amount in excess of and over and above the amount awarded by the Tribunal shall also attract interest @ 7.5% per annum from the date of filing of the claim petition till the realization of the entire amount. The claimant-appellant Nos.2 and 3 (brother and sister of the deceased) shall be entitled only to the filial consortium i.e. ₹48,000/- each.

10. In view of the decision by the Hon'ble Supreme Court in **Parminder Singh Vs. Honey Goyal & Ors. [AIR 2025 SC 1713 = 2025 SCC OnLine SC 567]**, after calculation of the enhanced amount, the same be transferred by the Insurance Company in the bank account(s) of the claimants within six weeks from today and the apportionment thereof shall be as per the direction of the Tribunal. The particulars of the bank account(s) alongwith the

requisite documents(s) in support thereof shall be furnished by the claimants to the Insurance company within a period of two weeks from the date of this order and needful shall be done by the Insurance Company after verification thereof within four weeks thereafter alongwith up-to-date interest. The compliance shall be reported by the Bank to the Tribunal concerned.

11. In view of the above discussion, the present appeal is allowed and the award passed by the Tribunal stands modified accordingly. Pending applications, if any, also stand disposed off.

03.02.2026 **(ALKA SARIN)**
Yogesh Sharma **JUDGE**

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO